

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF ALABAMA

IN RE:

BENDER SHIPBUILDING AND  
REPAIR CO., INC.

Case No. 09-12616-MAM

Chapter 11

DEBTOR

**EX PARTE MOTION FOR EXPEDITED HEARING  
AND TO SHORTEN NOTICE REQUIRED CONCERNING  
DEBTOR'S MOTIONS TO ASSUME AND REJECT CERTAIN  
EXECUTORY LEASES OF NON-RESIDENTIAL REAL PROPERTY**

NOW INTO COURT, through undersigned counsel, comes Bender Shipbuilding and Repair Co., Inc., the Debtor herein, which, pursuant to Bankruptcy Rule 9006(c), requests that an expedited hearing be scheduled on the Debtor's Motions to Assume and Reject Certain Executory Leases of Non-Residential Real Property (**Docket Nos. 699 and 700**) ("Motions"), and in support of same respectfully submits:

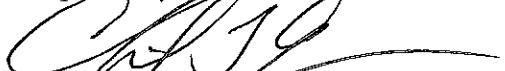
1. On June 9, 2009, an involuntary Chapter 7 petition was filed against the Debtor. An Order for Relief was entered on July 1, 2009 ("Conversion Date") and the case was converted to a proceeding under Chapter 11 pursuant to an Order entered on the Conversion Date.
2. Since the Conversion Date, the Debtor has operated its business as debtor-in-possession, pursuant to 11 U.S.C. §§1107 and 1108.
3. On October 2, 2009, the Debtor filed its Motion to Extend Time in Which to Assume or Reject Leases of Non-Residential Real Property (**Docket No. 433**). That Motion was granted pursuant to the Order of this Court entered October 28, 2009, and that time was extended until and through January 28, 2010 (**Docket No. 539**).

4. On January 13, 2010, the Debtor filed the Motions. *See Docket Nos. 699 and 700.*

5. The Debtor submits that good cause exists for an expedited hearing on the Motions, insofar as delaying the hearing on the Motions until after January 26, 2010, would cause the Debtor to lose its right to assume executory leases of non-residential real property, which expires on January 28, 2010.

**WHEREFORE**, the above premises considered, the Debtor respectfully requests the Court to set an expedited hearing on the Motions on January 26, 2010, and for such other and further relief as is just.

Respectfully Submitted,



Stewart F. Peck, *pro hac vice*  
Christopher T. Caplinger, *pro hac vice*  
Benjamin W. Kadden, *pro hac vice*  
601 Poydras Street, Suite 2775  
New Orleans, LA 70130  
Telephone: (504) 568-1990  
Facsimile: (504) 310-9195  
Email: [speck@lawla.com](mailto:speck@lawla.com);  
[ccaplinger@lawla.com](mailto:ccaplinger@lawla.com);  
[bkadden@lawla.com](mailto:bkadden@lawla.com)

AND

IRVIN GRODSKY  
P.O. Box 3123  
Mobile, AL 36652  
Telephone: (251) 433-3657

*Attorneys for the Debtor*